

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JOHN F. SIMMERS,

Plaintiff,

-vs-

Case No. 11-C-1009

**HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,**

Defendant.

DECISION AND ORDER

The defendant, Hartford Life and Accident Insurance Company, moves to enlarge the time for discovery because the deposition of John F. Simmers had to be continued. Hartford also requests a stay of the deadline to respond to Simmers' recently-filed motion for partial summary judgment. Alongside his motion for summary judgment, Simmers filed a motion to stay proceedings pending a ruling on his summary judgment motion.

These motions are resolved as follows: Hartford's motion to enlarge and to stay [ECF No. 61] is **GRANTED**, Simmers' motion to stay [ECF No. 57] is **DENIED**, and Simmers' motion for partial summary judgment remains pending. It appears that Simmers wants to avoid continuing his deposition, but Hartford is entitled to take his deposition so it can properly respond to Simmers' motion for summary judgment, Fed. R. Civ. P. 56(d)(3), and also so it can prepare its own motion.

The fact discovery deadline regarding Simmers' equitable tolling claim is

enlarged to **June 28, 2013**. The dispositive motion deadline is now **July 19, 2013**.

The deadline for Hartford to respond to Simmers' motion for partial summary judgment is **August 19, 2013**.

Dated at Milwaukee, Wisconsin, this 4th day of June, 2013.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge